

Minutes

Board of County Commissioners Hyde County

September 21, 2009

Chairman Tom Davis called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, September 21, 2009 in the Ocracoke School Commons Area and the Hyde County Government Center, Multi-Use Room using electronic conferencing equipment. The following members were present on the mainland: Commissioners Anson Byrd, Tom Davis, and Barry Swindell; Clerk to the Board Lois Stotesberry; and members of the public. The following members were present on Ocracoke: Commissioners Gene Ballance; County Manager Carl Classen; Deputy Clerk Jamie Tunnell; and members of the public. Commissioner Sharon Spencer and County Attorney Sid Hassell were absent.

Following the pledge of allegiance and opening prayer by Commissioner Ballance the meeting was called to order.

Agenda:

Chairman Davis asked for any changes to the September 8, 2009 meeting Agenda as presented by the Clerk. Commissioner Swindell moved to add Item III.C. – Hydeland Canal No Wake Zone Extension Resolution, and to move Item V.G. - Civil War Trail Marker to Item II.B.3. - Special Presentation – Civil War Trail Marker. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

Consideration of Minutes:

Chairman Davis asked for approval of meeting minutes.

Commissioner Byrd moved to approve the September 8, 2009 meeting minutes as presented by the Clerk. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

Employee Honors:

Chairman Davis presented “Years-of-Service” certificates and pins to Department of Social Services (DSS) employees Esta Spencer (5 years) and Florida Farrow (20 years); Utilities Department employee William S. Spencer (10 years); and, Maintenance Department Director Kerry Campbell (30 years). Sheriff’s Department employee Deputy Barbara Deese (15 years) was not present.

Public Hearing – Hydeland Canal No Wake Zone Extension:

Commissioner Byrd moved to open Public Hearing on Hydeland Canal No Wake Zone Extension. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

At the August 3 Commissioners meeting, the Board discussed extending the length of the No Wake Zone in the Hydeland Canal. At that meeting, the Commissioners authorized the County Manager to spend up to \$1,500 to install No Wake Zone markers as needed. At the September 8 meeting, the Commissioners directed that a public hearing on the proposal be held in accordance with State law. A notice of the Public Hearing was published in the Coastland Times. The proposed increase in the No Wake Zone in Hydeland Canal is approximately one mile.

Commissioner Swindell moved to close Public Hearing on Hydeland Canal No Wake Zone Extension. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

Public Hearing – Golf Cart Ordinance:

Commissioner Byrd moved to open Public Hearing on Golf Cart Ordinance. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

At the September 8 Commissioners meeting, the Board directed that a public hearing be held in regards to a draft Golf Cart Ordinance.

A notice of the Public Hearing was published in the Coastland Times and, due to the issue originating from Ocracoke residents, posted at the Post Office on Ocracoke.

After reviewing the re-drafted Ordinance, Commissioner Byrd moved to close Public Hearing on Golf Cart Ordinance. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

Public Hearing – Application of FY09 CDBG-Community Revitalization (CR) Housing and Infrastructure Grant:

Chairman Davis moved to open Public Hearing on Application of FY09 CDBG-Community Revitalization (CR) Housing and Infrastructure Grant. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

Holland Consulting Planners, Inc. Projects Administrator Chris Hilbert reported that Hyde County is applying for a FY09 CDBG-CR Grant to address housing and infrastructure needs on Lake Swamp Rd and St Lydia Rd. The areas were selected as the most competitive after a thorough review of all potential target areas. There are no matching funds required for this \$850,000 project.

After review, Commissioner Swindell moved to close Public Hearing for Application of FY09 CDBG-Community Revitalization (CR) Housing and Infrastructure Grant. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

After the public hearing closed, commissioner Byrd moved give authorization to the Chairman to sign the grant application. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

Public Hearing – Closeout of FY07 CDBG-Scattered Site (SS) Housing Grant:

Commissioner Swindell moved to open Public Hearing on Closeout of FY07 CDBG-Scattered Site (SS) Housing Grant. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

Holland Consulting Planners, Inc. Projects Administrator Chris Hilbert reported that Hyde County is in the process of closing out the FY07 CDBG-SS program. Mr. Hilbert reviewed accomplishments and budget and reported the grant can formally be closed out. No action necessary.

Commissioner Byrd moved to close Public Hearing on Closeout of FY07 CDBG-Scattered Site (SS) Housing Grant. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

Public Hearing – Closeout of FY07 CDBG-Small Business Entrepreneurial Assistance (SBEA) Grant:

Chairman Davis moved to open Public Hearing on Closeout of FY07 CDBG-Small Business Entrepreneurial Assistance (SBEA) Grant. Mr. Swindell seconded the motion. The

motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

Holland Consulting Planners, Inc. Projects Administrator Chris Hilbert reported that Hyde County is in the process of closing out the FY07 CDBG-SBEA Grant. Mr. Hilbert reviewed accomplishments and budget and reported the grant can formally be closed out. No action necessary.

Chairman Davis moved to close Public Hearing on Closeout of FY07 CDBG-Small Business Entrepreneurial Assistance (SBEA) Grant. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

Special Presentation – Health Director Wes Smith – Flu Shot Clinics:

Pandemic H1N1 2009 or Novel H1N1 (referred to as “swine flu” early on) is a new influenza virus causing illness in people (first detected in people in the United States in April 2009). Mr. Smith reported the H1N1 virus is spreading from person-to-person worldwide, probably in much the same way that regular seasonal influenza viruses spread.

Dental Clinic held August 28 at Hyde County Health Department. Dentist Saba Jelokhani, her husband, Hygienist Darlene Ormond, Dental Assistant Judy Swindell, Bus Driver Glenn and his wife Charlotte conducted the clinic on site, starting at 8:15 a.m. and ending at 5:30 p.m. HCHD staff Annette Swindell, Luana Gibbs, Laura Poole, Kristi Williams, and Wesley Smith assisted. Yolanda Alvarez interpreted for Spanish speaking families. Patients were charged a flat fee of \$20 and were seen on a first come-first served basis. Approximately 55 patients showed up for the clinic. Of that number, 19 were seen, exceeding the dentist’s goal of 12-14 clients treated. Mr. Smith’s goal is to conduct monthly clinics to meet the dental needs of our county.

Aerial Spraying For Mosquitoes is not cost effective for Hyde County. In a September 16 letter to County Manager Carl Classen, Environmental Health Specialist Hugh Watson reported that aerial spraying for mosquitoes would cost approximately \$48,000 for one application. Mr. Watson believes the current mosquito control program in Hyde County is the most economical and produces the best results for the expenditure.

Special Presentation – NC12 (Ocracoke) – Pablo Hernandez, NCDOT:

NCDOT Division 1 Project Manager Pablo Hernandez reported that the widening of NC12 for the bike path from the Pony Pens to the Campground has been completed. The shoulders are being worked on, and the excess material is being used at low shoulder areas. The resurfacing of NC12 has been rescheduled to begin on Monday, September 28 at the North end of the island.

Special Presentation - Civil War Trail Marker:

Following a presentation by Mr. Earl O’Neal, Commissioner Ballance moved to approve a budget amendment to appropriate \$1,100 in Ocracoke Occupancy Tax funds for installation of a Civil War Trail marker on Ocracoke and to budget \$200 annually for maintenance of the marker and for advertisement of Ocracoke’s role in the Civil War conditioned upon receipt of a written recommendation from the Ocracoke Occupancy Tax Board. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

Public Comments:

Chairman Davis called for comments from the public.

Leslie Lanier, Ocracoke, would like to see mainland commissioners attend quarterly Board meetings on Ocracoke. Ms. Lanier stated mosquito spraying is not allowed on Federal Government property.

Fred Westervelt, Ocracoke, asked that the report on Hyde County EMS staffing deficiencies on Ocracoke (requested at a previous meeting) be delivered.

David Warren, Ocracoke, stated that in accordance with North Carolina General Statutes each county must provide EMS coverage to citizens. Mr. Warren requested countywide compliance.

George Chamberlin, Ocracoke, thanked County Manager Carl Classen and Commissioner Gene Ballance for attendance and remarks made at the Ocracoke Helipad Dedication Ceremony. Mr. Chamberlin asked that the Golf Cart Ordinance include a section on lights; and, asked the County reconsider a land swap for the Bonner Bridge Improvements Project.

David Fletcher, Engelhard, asked that ambulance sirens not be turned on until they pass Mattamuskeet Elementary School and nearby homes; stated he believes Ms. Jeanette Jones will clean up Hyde County EMS; asked if the new EMS Building is on someone else's property; and stated money should not have been spent to re-build the judge's bench in the new courtroom.

Franklin Swindell, Engelhard, asked who authorized the courtroom project and would like to see legal statutes allowing a judge to have this project done; stated Commissioner Ballance from Ocracoke was not responsible for the EMS building property dispute; asked when did the Commissioners get their meeting packets; and said Hyde County can't do without David Warren for EMS assistance on Ocracoke.

There being no further public comment, Chairman Davis continued the meeting.

Ordinances and Resolutions:

Golf Cart Ordinance

At the September 8 Commissioners meeting, the Board reviewed a proposed Golf Cart Ordinance for Hyde County that was based upon the comprehensive golf cart ordinance adopted for King's Mountain, NC. After discussion, the County Manager was directed to re-draft the Golf Cart Ordinance as a de minimis ordinance based upon the authority granted by the newly-adopted State law authorizing use of golf carts on State roads.

After discussion, Commissioner Byrd moved to table discussion until the October 5 Board meeting to allow time for research and to include additional text about golf cart lights. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

Supplemental Retirement Resolution

The County's supplemental retirement provider NC401(k) has provided a supplemental retirement resolution to the County for approval and signature. The Resolution is needed so as to bring Hyde County records in line with the State's current Third Party Administrator, Prudential. The Resolution does not change anything the County is currently doing, nor does it change the plan. Hyde County continues not making any contribution to the supplemental retirement plan.

Commissioner Swindell moved to approve Supplemental Retire Resolution titled, "THE SUPPLEMENTAL RETIREMENT INCOME PLAN OF NORTH CAROLINA EMPLOYER-THIRD PARTY ADMINISTRATOR AGREEMENT" and authorized the Chairman, Clerk County Manager and other officials as necessary to sign and execute. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

CLERK'S NOTE: A copy of "The Supplemental Retirement Income Plan of North Carolina Employer-Third Party Administrator Agreement" is attached herewith as Exhibit A and incorporated herein by reference.

Hydeland Canal No Wake Zone Resolution

After discussion, Commissioner Byrd moved to approve extension of the No Wake Zone a distance of approximately one mile inland from the existing No Wake Zone in Hydeland Canal.

Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

CLERK'S NOTE: A copy of "Hydeland Canal No Wake Zone Resolution" is attached herewith as Exhibit B and incorporated herein by reference.

Other Matters:

Budget Revisions and Transfers

County Manager Carl Classen reported to the Board that in accordance with the FY2009-10 Budget Ordinance several budget transfers were made administratively and he requested approval of the following:

- A. Health/Utilities Departments – Transfer Office Locations:** Following discussions during the budget process, the County is moving from the existing Utilities Department offices, which are attached to the Health Department, into the former Albemarle Mental Health Center (AMHC) building. This will allow patients utilizing mental health services to not be so apparent (as when their cars were sitting openly beside that building), plus reduce mental health operating expenses. The building switch gives the Utilities Department needed space to now handle the water, waste water, and sewer issues now under that department, plus offers space for the buildings and grounds maintenance functions, which are recommended to go under that department at a future time. The deed for the property has been checked by the County Manager and the County Attorney. The property is owned by the County and the County has advised State Division of Mental Health and ECBH of the intent to make this transfer and no objection has been raised. The transfer of the buildings is almost completed and has been paid for, so far, using existing funds. Although the fund balance amendments (total of \$26,000; mostly for telecommunications installation), the County Manager is expecting that reduced Medicaid and other costs will be adequate to cover the cost of this transfer.
- B. Finance Department – Employee Drug Testing:** Random drug and alcohol testing of County employees has been a goal of the County Commissioners for a number of years but implementation has been held up for numerous reasons, including a lack of staff resources and making sure the County policy was in line with recent guidance from the UNC School of Government. With recent staff reassignments, a policy of random drug and alcohol testing for safety sensitive employees (e.g., nurses, EMT's, deputies) will begin in October with a 100% test as a benchmark and then quarterly testing thereafter. Right now, the County has no positions requiring use of a Commercial Drivers License (CDL), but they will be included if such positions are established. Drug and alcohol testing is being done in cooperation with the Board of Education using the same company and same testing schedule. This same company can perform drug and alcohol testing if a supervisor feels an employee is on duty while under the influence of drugs or alcohol. The budget amendment (\$7,000) covers the cost of drug and alcohol testing for FY2009-10.
- C. Senior Center – Senior Nutrition Program:** This budget amendment reflects a \$5,000 grant from the Albemarle Commission to the Senior Center for the Senior Nutrition Program on Ocracoke. No local match is required.
- D. Veteran's Services:** This budget amendment reflects a \$1,000 transfer from Fund Balance to pay the expenses of the new Veteran's Services Director to attend her first statewide conference. In FY2008-09, the total Veteran's Service budget was \$9,146 and was budgeted at \$6,691 for FY2009-10. This would raise the total budget to \$7,691.

Farmland Conservation Easement Grant – Curtis Holbert/New Lake Farm - \$254, 595

Per the request of the Commissioners at the September 8 meeting, County Attorney Sid Hassell has reviewed the grant award contract and proposed easement, plus has spoken with representatives of the State agency.

Given the support of the Soil and Water Board, Chairman Davis moved to approve the Farmland Conservation Easement Grant upon the following conditions:

- Changes recommended by the County Attorney
- Appoint the Director of the Soil and Water Board as the grant manager (or similarly titled) for this grant Award.
- No more than \$6,200 shall be expended by the County for legal and administrative costs related to execution of the grant and easement;
- Amend the easement to include the following:
 - None of the property may be used for wetlands or other environmental mitigation, except upon affirmative approval by the entire Board of County Commissioners at a Regular meeting;
 - No funds shall be distributed by the County for the purchase of the easement until the County has received adequate grant funds from the State; and,
- Any funds received from the sale of the property or otherwise under the easement shall accrue to the general fund of Hyde County to offset ongoing monitoring and enforcement costs.
- Authorize the Chairman, County Manager, Clerk and other County officials to sign and execute all documents in support of this action.

Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

Farmland Preservation Plan

During discussions in regards to the Farmland Easement Grant, staff also discussed a Farmland Preservation Plan for Hyde County. This Plan, which is supported by numerous farm advocacy groups, has been implemented in one form or another by numerous counties with substantial agricultural industry(ies). Hyde County can adopt all or part of the plan as one or more provisions may be appropriate for Hyde County.

Chairman Davis directed that the sample plan be forwarded to Extension Director Mac Gibbs for him to review with an appropriate group and make recommendations to the Commissioners at a future meeting.

Cost Allocation Contract - Maximus

For many years, Hyde County has utilized a contract with Maximus to secure a higher level of reimbursement from the State and Federal governments for expenses in the Social Services Department. This contract provides substantial income to the County and has been doubly valuable as the County has brought Mattamuskeet ADAP Center under Social Services. The next contract, which runs for three fiscal years through June 30, 2012, will also provide these services to EMS as well as to Social Services. The contract cost for Social Services remains at \$2,800 for each of the three fiscal years and the cost for EMS is \$400 for each of the three fiscal years.

Chairman Davis moved to approve contract with Maximus contingent upon review by the County Attorney and authorize the Chairman, Clerk, County Manager and other County officials as necessary to sign and execute all documents in support of this position. The County Manager is authorized to make changes in the contract recommended by the County Attorney and approved by the State. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

North Carolina Forest Service - Annual Contract

Thomas Whitaker delivered North Carolina Department of Environment and Natural Resources (NCDENR) for Forest Ranger services from the North Carolina Forest Service and has indicated it is the same as past years. The County match (\$75,000) is equal to the amount in the existing FY2009-10 budget.

Commissioner Byrd moved to approve contract with NCDENR for NC Forest Service for Forest Ranger services contingent upon review by the County Attorney and authorize the Chairman, Clerk, County Manager, and other County officials as necessary to sign and execute all documents in support of this position. The County Manager is authorized to make changes in the contract recommended by the County Attorney and approved by the State. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

Food and Nutrition Services Program – Social Services Department

Ms. Barbara Butts (DSS) reported the Social Services Department has requested that funds from American Recovery and Reinvestment Act (ARRA) be approved for a temporary Food & Nutrition Services position. These administrative funds were received to assist with the growing needs of the Food and Nutrition Services (FNS) program. This years' allotment was used to offset current FNS workers' salaries saving the County money. The Department would like to use the allotment for October 1, 2009 through September 30, 2010 to hire a temporary position as this caseload continues to grow. If these funds are not used to benefit the FNS program they will be lost to another County. With a temporary position, the Department can reorganize both the Work First and the FNS Units to better serve the citizens of Hyde County.

After discussion, Commissioner Byrd moved to approve the temporary Food & Nutrition Services position and to authorize the County Manager to make necessary budget amendments. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

County Commissioners Reports:

Commissioner Ballance reported the Ocracoke Helipad Dedication Ceremony was very impressive; and, NC12 Highway Improvement Project is moving along on schedule.

Commissioner Swindell participated in "Relay for Life" on September 18 and 19 at Engelhard Recreation Park. Mr. Swindell reported \$41,500 was raised, which exceeded the team's goal.

Commissioner Byrd commended the "Relay for Life" team.

Chairman Davis thanked NC Forestry Division in Fairfield for its letter commending EMS staff who assisted employee Cleve Gibbs during a tire explosion accident on September 4. Mr. Davis also commended EMS personnel who assisted.

No other Board or Committee reports were offered so Mr. Davis continued with the Agenda.

County Manager's Report:

Financial Report – Finance Officer Jessica Gibbs presented a financial summary and sales and use tax/occupancy tax report. The County Auditor, Andy Harris, is in the County offices the week of September 21 working on the June 30, 2009 audit. Completion is presently expected by October 31 with a presentation to the County Commissioners in November.

County Manager Report

Emergency Services - Interim Emergency Services Director Jeanette Jones reported Emergency Services (ES) staffing will include an ES Director; Code Enforcement Administrator (Level 2); Emergency Management (EM) Coordinator; and two lead Medics, one on the mainland and one on Ocracoke Island. Hyde County will offer all EMT-Basic personnel the opportunity to participate in EMT-Paramedic training.

School Construction Bonds – QZAB; QSCB - Hyde County Board of Education received notification that Hyde County Schools received a 2009 QSAB Allocation of \$3,002,692.

Utilities Department – Director Clint Berry reported USDA has given concurrence to award the Engelhard Water Treatment Plant (WTP) Project contracts and if funds are still available after the WTP project is complete work will begin on the Swamp Road Project.

Mr. Berry reported J.A. King & Co. has quoted a price for a Cambridge Scale (model 770) light vehicle scale which is a heavy model low profile unit (stainless steel enclosure model) for use at the Ocracoke Solid Waste site.

After discussion, Mr. Byrd moved to re-open the Ponzer Community Convenience Site. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Spencer.

Other Items Discussed - County Manager Carl Classen gave report on the NC HWY 12 Webcam Project.

After discussion, Chairman Davis moved to give the County Manager blanket authorization to manage the Swan Quarter Park and adjoining County owned parking lot. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell. Nays – None; Absent or Not Voting – Spencer.

There being no further matters to come before the Commissioners, Mr. Swindell moved to adjourn the meeting. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

The meeting adjourned at 9:05 PM.

Respectfully submitted:

Minutes approved on the 10th day of October, 2009.



Lois Stotesberry, Clerk - Hyde County Board of Commissioners



Tom Davis, Chairman - Hyde County Board of Commissioners

Attachments:

Exhibit A – “The Supplemental Retirement Income Plan of North Carolina Employer-Third Party Administrator Agreement”

Exhibit B – “Hydeland Canal No Wake Zone Resolution”